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Notice of Allowability

Application No.

10/679,971

Examiner

Martin Jeriko P. San Juan

Applicant(s)

BEST, ROBERT M.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 31, 2007.
2. ☒ The allowed claim(s) is/are 90-92, 94, 96-102 and 104-108.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This is a response to a Request for Continued Examination dated on October 31, 2007.

Claims 1-89 were originally pending.

Claims 1-89 were rejected on February 9, 2007.

Applicant cancelled claims 1-89, added new claims 90-108.

Claims 90-108 were rejected on August 2, 2007.

Applicant amended Specification and Claims in response to the Office Action mailed on August 2, 2007. Applicant cancelled claims 93, 95, and 103.

Claims 90-92, 94, 96-102, and 104-108 are currently pending in the application.

Specification

1. Amendments to the Specification filed on October 2, 2007 and October 31, 2007 has been entered and accepted.

Response to Arguments

1. Applicant's arguments, see Remarks, filed October 31, 2007, with respect to independent claims 90, 100, and 104 under 35 USC 103(a) have been fully considered and are persuasive. The rejections have been withdrawn.

Allowable Subject Matter

1. Claims 90-92, 94, 96-102, and 104-108 allowed.
2. The following is an examiner's statement of reasons for allowance:

Applicant's invention in summary is based on a method of protecting software by way of controlling network server key distribution, and program execution using cryptography utilizing a specialized cryptoprocessor. Considering claim 1, which is the Applicant's broadest claim, and representative of the other independent claims, the novelty lies in the limitation/feature (e) regarding reencrypting in said server said chip identifier together with a decryption key corresponding to said first encryption key to produce at least one encrypted data block such that each bit in said encrypted data block is a complex function of every bit in said decryption key and every bit in said chip identifier. This limitation is about the network server distributing a software decryption key in which the client's chip identifier received previously from the client is reencrypted along with the software decryption key for transmission back to the client as one encrypted data block taking the decryption key, and chip identifier together as the encryption data. Applicant's motivation is to prevent unauthorized persons from using an encrypted chip identifier, and an encrypted software decryption separately and to prevent discovery of software decryption key even if a chip identifier becomes known. The closest prior art found was Ishibashi et al. [US 6728379 B1], further in view of McCarty [US 5666411]. The prior art found does not teach or suggest the limitation described above. There are

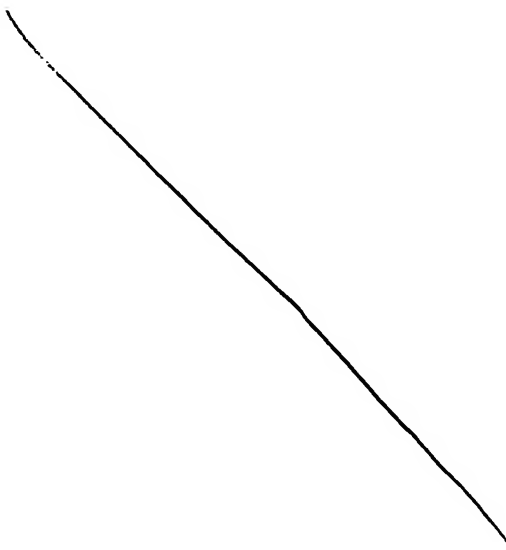
no other references that can be found, or to be combined to teach or suggest the above described limitation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Jeriko P. San Juan whose telephone number is 571-272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MJSJ/

Martin Jeriko San Juan

Examiner. Art Unit 2132


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
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